

Message Text

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TO USMISSION EC BRUSSELS

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY ROME

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY DUBLIN

AMEMBASSY LUXEMBOURG

AMEMBASSY COPENHAGEN

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E.O. 11652: N/A

TAGS: EAGR, EEC, ETRD

SUBJECT: S. - EC WINE

REF: A) EC BRUSSELS 8703; B) STATE 215593; C) STATE 188411

D) EC BRUSSELS 9213

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1. FOLLOWING ANSWERS, KEYED TO EC QUESTIONS POSED IN

REFTEL A, SHOULD BE PASSED TO APPROPRIATE COMMISSION OFFICIALS.

2. QUESTIONS IN PARA 2 OF REFTEL A:

(A) LIKE THE EC SYSTEM, US REGULATIONS SPECIFICALLY LIST PERMITTED WINEMAKING PRACTICES RATHER THAN PROHIBITED PRACTICES. THUS WHAT IS NOT SPECIFICALLY PERMITTED BY U.S. REGULATIONS IS GENERALLY PROHIBITED. PERMITTED PRACTICES ARE FULLY DESCRIBED IN CODE OF U.S. FEDERAL REGULATIONS (TITLE 27, PARTS 4 AND 240) BEING POUCHED. MAKERS OF FOREIGN WINE USING TRADITIONAL WINE MAKING PRACTICES NOT PROVIDED FOR IN U.S. CODE OF REGULATIONS COULD APPLY FOR WAIVER (PROPOSED REGULATION SECTION 4.45 (D)(3)) IN REFTEL B WHICH COULD BE GRANTED IF FOREIGN PRACTICES PRESENT NO HEALTH IMPLICATIONS.

(B) THE UNITED STATES HAS NOT AT THIS POINT DEFINED PRECISE METHODS FOR PERFORMING THE VARIOUS ANALYSES CONTEMPLATED BY ITS PROPOSED CERTIFICATE OF ORIGIN, IDENTITY, AND ANALYSIS REGULATION. THE U.S. IS WILLING TO CONSIDER ACCEPTING THE METHODS CONTAINED IN THE OIV GUIDELINES. WE WOULD APPRECIATE EC FURNISHING THESE GUIDELINES TO US FOR REVIEW BEFORE A DEFINITE DECISION IS MADE. WE WANT TO BE SURE THE GUIDELINES ARE COMPARABLE TO THOSE OF THE AOAC (ASSOCIATION OF ANALYTICAL CHEMISTS).

(C) "TOTAL SOLIDS" MEANS THE DEGREE OF BRIX OF DEALCOHOLIZED WINE. IT IS ESSENTIALLY A MEASURE OF THE SUGAR CONTENT OF WINE.

(D) "FIXED ACID" IS THE DIFFERENCE BETWEEN THE "TOTAL ACID" AND "VOLATILE ACID" CONTENTS OF WINE.

(E) 27 CFR 240.1051 OF THE REGULATIONS ISSUED BY THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF) AND RELATED ATF RULING 76-2 (30TH BEING POUCHED) CONTAIN LISTINGS OF MATERIALS WHICH ARE AUTHORIZED FOR USE IN LIMITED OFFICIAL USE

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TREATMENT OF WINE. ONLY MATERIALS CONTAINED IN THESE LISTINGS MAY BE EMPLOYED IN WINEMAKING PROCESSES. PRODUCERS WHO WISH TO USE OTHER MATERIALS MUST MAKE APPLICATION AND RECEIVE APPROVAL FROM ATF BEFORE EMPLOYING SUCH MATERIALS. IN CONSIDERING ADDITIONS TO THESE LISTS, ATF IS GUIDED BY REGULATIONS ISSUED BY THE FOOD AND DRUG ADMINISTRATION (FDA) IN 21 CFR PART 121. AS A GENERAL RULE THOSE REGULATIONS SPECIFY WHAT SUB-

STANCES ARE PERMITTED TO BE USED IN PRODUCTS INTENDED FOR HUMAN CONSUMPTION. SUBSTANCES NOT CONTAINED IN FDA REGULATIONS ARE NOT PERMITTED IN HUMAN-CONSUMPTION PRODUCTS. PRODUCTS CAN BE ADDED TO FDA LISTS BY APPLICATION TO FDA.

(F) INFORMATION ON SULPHUR DIOXIDE IS NEEDED BECAUSE U.S. REGULATIONS REQUIRE THAT FINISHED WINES CONTAIN NOT MORE THAN 350 PARTS PER MILLION OF SULPHUR DIOXIDE. WINE WHICH CONTAINS A GREATER AMOUNT MUST BE CLEARLY LABELED TO INDICATE THIS FACT. GENERALLY THE SULPHUR DIOXIDE CONTENT SHOULD BE MEASURED AT THE TIME OF BOTTLING.

(G) PROPOSED U.S. REGULATION WOULD EXEMPT FROM CERTIFICATION REQUIREMENT PRODUCERS (THAT IS, WINERIES) WHICH PERMIT U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS TO INSPECT FOREIGN PRODUCER'S FACILITIES, BOOKS, AND RECORDS. CERTIFICATE PROCEDURE IS PROVIDED IF

PRODUCER, OR COUNTRY OF PRODUCERS, DOES NOT WANT TO GRANT ON-SITE INSPECTION PRIVILEGES.

3. CERTIFICATES REQUIRED BY PROPOSED REGULATION WOULD ALSO BE REQUIRED FOR FORTIFIED WINES, SUCH AS VERMOUTH, SHERRY, AND PORT.

4. LENG AND REICHARDT WERE APPRISED PRIOR TO PUBLICATION OF PROPOSED REGULATION, AS DURING THE CONSULTATIONS THEY WERE TOLD THAT REGULATIONS WOULD SOON BE PUBLISHED ALTHOUGH PRECISE TIME WAS NOT DISCUSSED (PARA 4B OF STATE 188411). WE REGRET EVIDENT MISUNDERSTANDING ON TIMING.
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5. WE APPRECIATE EC'S EXTENSION OF THE EXEMPTION FROM EC WINE CERTIFICATE REQUIREMENT TO INCLUDE WINE IN CONTAINERS OF 4 LITERS OR LESS FROM SEPTEMBER 1, 1976 TO JANUARY 31, 1977. WE UNDERSTAND COMMISSION WILL CONTINUE ITS EFFORTS TO OBTAIN COUNCIL APPROVAL OF PERMANENT EXEMPTION FOR WINE IN CONTAINERS OF 4 LITERS OR LESS. WE LOOK FORWARD TO SUCH A PERMANENT EXEMPTION, AS US FIRMS NEED CERTAINLY OF CONTINUED ACCESS.

6. WE ARE CHECKING WITH INDUSTRY ON EC PROPOSAL FOR LABELING OF KOSHER WINE. WE WILL PROBABLY NOT BE ABLE TO GIVE DEFINITIVE RESPONSE UNTIL WE HAVE MORE TIME TO EVALUATE EFFECT OF EC'S SEPTEMBER 1 REGULATIONS ON ALL RELIGIOUS WINES, INCLUDING MASS AND SACRAMENTAL WINES.

7. AS INDICATED REFTTEL C, US AND EC REPS AGREED ON
DESIRABILITY OF FURTHER MEETINGS TO RESOLVE OUTSTANDING
PROBLEMS. WE ARE NOW CONSIDERING TIMING OF TECHNICAL
AND/OR POLICY DISCUSSIONS ON THESE ISSUES AND ASSUME EC
IS DOING LIKEWISE. KISSINGER

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